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Application No.: 10/016,596

Invention: METHOD AND APPARATUS FOR
ADJUSTING AND POSITIONING
AIR CAPS

Inventor: Baltz et al.

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Attorney

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Examiner: Davis D. Hwu

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on September 9, 2004

Kim Tyree
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APPEAL BRIEF

Mail Stop Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This appeal brief is submitted in triplicate in furtherance of the notice of appeal submitted July 13, 2004. This application has also previously been appealed on January 21, 2004, and an appeal brief submitted on February 24, 2004, which resulted in withdrawal of the final rejection from which the previous appeal was taken. The \$330.00 fee for filing this appeal brief was submitted with the appeal brief submitted February 24, 2004, and no further fee is required for this appeal brief. However, should any additional fees be required to constitute this a timely appeal brief, the Commissioner is hereby authorized to charge any such fees, or credit any overpayment, to Deposit Account No. 10-0435, with

reference to Applicants' undersigned counsel's file 3030-67663. A duplicate copy of this authorization is enclosed for that purpose.

Real Party In Interest

The real party in interest is Illinois Tool Works Inc., by virtue of an assignment recorded October 30, 2001 in the records of the Patent and Trademark Office on patent record reel 012384, beginning at frame 0926.

Related Appeals and Interferences

There are no related appeals or interferences.

Status of Claims

Claims 1-19 are in this application. Of these, claims 1, 4, 5, 9, 10, 13, 16, 17 and 19 are rejected. The Examiner indicated that claims 2, 3, 6-8, 11, 12, 14, 15 and 18 contained allowable subject matter, and would be allowed if rewritten in independent form including all of the limitations of their respective base claims and any intervening claims. The rejections of claims 1, 4, 5, 9, 10, 13, 16, 17 and 19 are appealed.

Status of Amendments

No amendments were filed subsequent to the rejection from which this appeal is taken.

Summary of the Invention

The invention may best be understood by referring to the following copies of appealed claims 1, 4, 5, 9, 10, 13, 16, 17 and 19, annotated with parenthetical reference numbers and related notes from the detailed description.

With reference to claim 1, the invention is a device (10) for positioning an air cap (12) of a pneumatically aided atomizer (14), the air cap (12) having air horns (16) extending therefrom, the device (10) providing at least one first opening (56 or 58) adapted to receive the horns (16) and a first level (50 or 52) for indicating when the horns (16) received in the at least one first opening (56 or 58) are in a first orientation (with level 50 or 52 indicating level).

With reference to claim 4, the invention is the device (10) of claim 1 including a first surface (40) extending (sic--facing) generally in a first direction when the horns (16) are received in the at least one first opening (56 or 58) and a second surface (42) extending

(sic--facing) generally in a second direction opposite the first direction when the horns (16) are received in the at least one first opening (56 or 58).

With reference to claim 5, the invention is the device (10) of claim 4 wherein the at least one first opening (56 or 58) extends through the device (10) from the first surface (40) to the second surface (42).

With reference to claim 9, the invention is the device (10) of claim 1 wherein the first level (50 or 52) for indicating when the horns (16) received in the at least one first opening (56 or 58) are in the first orientation is a first level (50 or 52) for indicating when the horns (16) received in the at least one first opening (56 or 58) are in a vertical orientation (with level 50 or 52 indicating level).

With reference to claim 10, the invention is the device (10) of claim 1 wherein the first level (50 or 52) for indicating when the horns (16) received in the at least one first opening (56 or 58) are in the first orientation is a first level (50 or 52) for indicating when the horns (16) received in the at least one first opening (56 or 58) are in a horizontal orientation (with level 50 or 52 indicating level).

With reference to claim 13, the invention is a method of positioning an air cap (12) of a pneumatically aided atomizer (14), the air cap (12) having air horns (16) extending therefrom, the method including providing a device (10) having at least one first opening (56 or 58) adapted to receive the horns (16) and a first level (50 or 52) for indicating when the horns (16) received in the at least one first opening (56 or 58) are in a first orientation (with level 50 or 52 indicating level).

With reference to claim 16, the invention is the method of claim 13 wherein providing a device (10) having at least one first opening (56 or 58) adapted to receive the horns (16) and a first level (50 or 52) for indicating when the horns (16) received in the at least one first opening (56 or 58) are in a first orientation includes providing a device (10) having a first surface (40) extending (sic--facing) generally in a first direction when the horns (16) are received in the at least one first opening (56 or 58) and a second surface (42) extending (sic--facing) generally in a second direction opposite the first direction when the horns (16) are received in the at least one first opening (56 or 58).

With reference to claim 17, the invention is the method of claim 16 wherein providing a device (10) having at least one first opening (56 or 58), a first surface (40) extending (sic--facing) generally in a first direction when the horns (16) are received in the at least one first opening (56 or 58) and a second surface (42) extending (sic--facing) generally in a second direction opposite the first direction when the horns (16) are received in the at

least one first opening (56 or 58) together include providing at least one first opening (56 or 58) which extends through the device (10) from the first surface (40) to the second surface (42).

With reference to claim 19, the invention is the method of claim 16 wherein providing a device (10) having a first surface (40) extending generally in a first direction when the horns (16) are received in the at least one first opening (56 or 58) and a second surface (42) extending generally in a second direction opposite the first direction when the horns (16) are received in the at least one first opening (56 or 58) include providing a device (10) including at least a third surface (30, 32, 34, 36) extending between the first and second surfaces (40, 42), the third surface (30, 32, 34, 36) configured to facilitate manipulation of the air cap (12) when the horns (16) are received in the at least one first opening (56 or 58).

Issues

The issue on appeal is whether claims 1, 4, 5, 9, 10, 13, 16, 17 and 19 lack novelty under 35 U.S.C. § 102(b) as being anticipated by Smith U.S. Patent No. 5,402,579 (hereinafter Smith).

Grouping of Claims

All of claims 1, 4, 5, 9, 10, 13, 16, 17 and 19 are believed to be separately patentable, and patentable over Smith, at least for the reasons set forth in the following arguments.

Argument

In the official action of April 13, 2004 the Examiner rejected claims 1, 4, 5, 9, 10, 13, 16, 17 and 19 under 35 U. S. C. § 102(b) as anticipated by Smith.

The Examiner takes the position that

“Smith shows a device providing at least one opening (see Figure 1) and a first level 44 to indicate when a component is in a first orientation. Smith does not disclose the device being used for positioning an air cap of a pneumatically aided atomizer, the air cap having horns which are received by the opening. However, the functional limitations of this claim for positioning an air cap as recited are inherent in the prior art since one of ordinary skill in the art would recognize that the device of Smith is fully capable for use in positioning an air cap having horns since the device of Smith can be clamped onto the air horns of the air cap and that the level will indicate when the horns received in the opening are in a first position. Since the functional limitations of the instant claim are inherent in the

prior art, the functional limitations of the instant claim does (sic) not give the instant claim patentable weight and therefore the Smith patent establishes a prima facie case of anticipation (In re Schreiber). Regarding claim 4, Smith also shows an area 22 having a first surface facing out from Figure 1 and a second surface on the other side of the first surface (see Figure 1). Since starting of the directions of the first and second surfaces are arbitrary, one having ordinary skill in the art would recognize that the starting point of the first surface could be at the bottom of the first surface and the starting point of the second surface could be at the top of the second surface, thus making the surfaces extending in opposite directions. The first opening extends through the device from the first surface to the second surface as recited in claim 5. The device of Smith is fully capable of indicating when the horns received in the opening are in a vertical position or a horizontal position as recited in claims 9 and 10.”

The final rejection, paragraph 4.

The Law of Anticipation

In accordance with longstanding precedent construing 35 U. S. C. § 102(b), anticipation of a claim requires a showing that a single prior art reference discloses each and every element and limitation of the claim. See, e.g., *Apple Computer, Inc. v. Articulate Systems, Inc.*, 234 F.3d 14, 20, 57 U.S.P.Q. 2d 1057 (Fed. Cir. 2000); *Electro Medical Systems, S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 1052, 32 U.S.P.Q.2d 1017 (Fed. Cir. 1994); *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001 (Fed. Cir. 1991); *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1457, 221 USPQ 481, 485 (Fed. Cir. 1984); *In re King*, 801 F.2d 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1986); *Kloster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565, 1571 (Fed. Cir. 1986) (“The corollary of that rule is that absence from the reference of any claimed element negates anticipation.”). The Federal Circuit Court of Appeals strictly construes the requirement for a showing of anticipation under 35 U.S.C. § 102:

“[A]n invention is anticipated if the same device, including all the claim limitations, is shown in a single prior art reference. Every element of the claimed invention must be literally present, arranged as in the claim. The identical invention must be shown in as complete detail as is contained in the patent claim.”

Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989) (citations omitted). Although the anticipatory reference “need not duplicate word for word

what is in the claims” and “[a]nticipation can occur when a claimed limitation is ‘inherent’ or otherwise implicit in the relevant reference,” *Standard Havens Products, Inc. v Gencor Indus.*, 953 F.2d 1360, 1369, 21 U.S.P.Q.2d 1321 (Fed. Cir. 1991) (denial of stay of injunction and stay of damages proceedings on remand to District Court reversed by Federal Circuit in subsequent proceeding, 996 F.2d 1236, 27 U.S.P.Q.2d 1959 (Fed. Cir. 1993)), the Federal Circuit construes the “inherency” exception narrowly:

“Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient. [Citations omitted.] If, however, the disclosure is sufficient to show that the natural result flowing from the operation as taught would result in the performance of the questioned function, it seems to be well settled that the disclosure should be regarded as sufficient.

“This modest flexibility in the rule that ‘anticipation’ requires that every element of the claims appear in a single reference accommodates situations where the common knowledge of technologists is not recorded in the reference; that is, where technological facts are known to those in the field of the invention, albeit not known to judges. It is not, however, a substitute for determination of patentability in terms of § 103.”

Continental Can Co. v. Monsanto Co., 948 F.2d 1264, 1269, 20 U.S.P.Q.2d 1746 (Fed. Cir. 1991) (citing *In re Oelrich*, 666 F.2d 578, 581, 212 U.S.P.Q. 323, 326 (C.C.P.A. 1981) (quoting *Hansgirk v. Kemmer*, 102 F.2d 212, 214, 40 U.S.P.Q. 665, 667 (C.C.P.A. 1939)). Thus, a reference does not anticipate a claim if the claim contains any limitation that is neither literally nor inherently present in the reference.

Analysis of Smith

Smith teaches a combination C-clamp and bubble level. The C-clamp includes legs 16, 18 joined by a spine 14 onto which a spirit level 44 is mounted. Spirit level 44 includes legs 50 which extend longitudinally of the spine 14, and between which legs 50 the spine 14 is captured. In this way, when reference surfaces 40, 52 of the spine 14 and level 44, respectively, are in contact and horizontal, the bubble 58 of the spirit level will indicate that condition. Smith provides, in pertinent part, that

“The present invention is a combination C-clamp and bubble level that is used to set pipe, tubing, or conduit in a bending machine prior to bending. The C-clamp is a one inch swivel foot C-clamp. Mounted horizontally on its top is a vial bubble level that is 1 1/2 inches long. Thus, it can be seen that, to make

a perfect offset bend, the artisan clamps the present invention on to the pipe to be bent, sets the pipe in the bending machine while checking the bubble vial to assure the pipe is level, and then performs the bend.” Smith, col. 5, lines 10-20.

Claim 1

Appellants’ claim 1 requires a device for positioning an air cap of a pneumatically aided atomizer, the air cap having air horns extending therefrom, the device providing at least one first opening adapted to receive the horns and a first level for indicating when the horns received in the at least one first opening are in a first orientation.

Any of the openings in Smith’s C-clamp would, of course, receive the horns of an air cap in any number of orientations, so Smith’s C-clamp is not capable of distinguishing one orientation of the horns of such an air cap from another orientation of the horns of an air cap. Since the pipe to which Smith’s C-clamp is to be attached presumably has a circular cross section, the openings in Smith’s C-clamp will not (and indeed are not intended to) so orient Smith’s C-clamp with respect to the horns of such an air cap that Smith’s level will, in the words of claim 1, “indicat[e] when the horns received in the at least one first opening are in a first orientation.” Therefore, the 35 U. S. C. § 102(b) rejection of claim 1 based upon Smith is in error, and should be reversed.

Claim 4

Claim 4 requires a device for positioning an air cap of a pneumatically aided atomizer, the air cap having air horns extending therefrom, the device providing at least one first opening adapted to receive the horns and a first level for indicating when the horns received in the at least one first opening are in a first orientation, a first surface extending (sic--facing) generally in a first direction when the horns are received in the at least one first opening and a second surface extending (sic--facing) generally in a second direction opposite the first direction when the horns are received in the at least one first opening.

Any of the openings in Smith’s C-clamp would, of course, receive the horns of an air cap in any number of orientations, so Smith’s C-clamp is not capable of distinguishing one orientation of the horns of such an air cap from another orientation of the horns of an air cap. Since the pipe to which Smith’s C-clamp is to be attached presumably has a circular cross section, the openings in Smith’s C-clamp will not (and indeed are not intended to) so orient Smith’s C-clamp with respect to the horns of such an air cap that Smith’s level will, in the words of claim 4, “indicat[e] when the horns received in the at least one first opening are

in a first orientation.” Therefore, the 35 U. S. C. § 102(b) rejection of claim 4 based upon Smith is in error, and should be reversed.

Claim 5

Claim 5 requires a device for positioning an air cap of a pneumatically aided atomizer, the air cap having air horns extending therefrom, the device providing at least one first opening adapted to receive the horns and a first level for indicating when the horns received in the at least one first opening are in a first orientation, a first surface extending (sic--facing) generally in a first direction when the horns are received in the at least one first opening and a second surface extending (sic--facing) generally in a second direction opposite the first direction when the horns are received in the at least one first opening, the at least one first opening extending through the device from the first surface to the second surface.

Again, any of the openings in Smith’s C-clamp would receive the horns of an air cap in any number of orientations, so Smith’s C-clamp is not capable of distinguishing one orientation of the horns of such an air cap from another orientation of the horns of an air cap. Since the pipe to which Smith’s C-clamp is to be attached presumably has a circular cross section, the openings in Smith’s C-clamp will not (and indeed are not intended to) so orient Smith’s C-clamp with respect to the horns of such an air cap that Smith’s level will, in the words of claim 1, “indicat[e] when the horns received in the at least one first opening are in a first orientation.” Nor does Smith’s C-clamp include a first surface extending (sic--facing) generally in a first direction when the horns are received in the at least one first opening and a second surface extending (sic--facing) generally in a second direction opposite the first direction when the horns are received in the at least one first opening, the at least one first opening extending through the device from the first surface to the second surface. Therefore, the 35 U. S. C. § 102(b) rejection of claim 5 based upon Smith is in error, and should be reversed.

Claim 9

Claim 9 recites a device for positioning an air cap of a pneumatically aided atomizer, the air cap having air horns extending therefrom, the device providing at least one first opening adapted to receive the horns and a first level for indicating when the horns received in the at least one first opening are in a first orientation, the first level indicating when the horns received in the at least one first opening are in a vertical orientation.

Again, any of the openings in Smith’s C-clamp would receive the horns of an

air cap in any number of orientations, so Smith's C-clamp is not capable of distinguishing one orientation of the horns of such an air cap from another orientation of the horns of an air cap. Since the pipe to which Smith's C-clamp is to be attached presumably has a circular cross section, the openings in Smith's C-clamp will not (and indeed are not intended to) so orient Smith's C-clamp with respect to the horns of such an air cap that Smith's level will, in the words of claim 1, "indicat[e] when the horns received in the at least one first opening are in a first orientation." As a consequence of this inability of Smith's C-clamp to orient Smith's C-clamp with respect to the horns of such an air cap, it is not possible for Smith's level to, in the words of claim 9, "indicat[e] when the horns received in the at least one first opening are in a vertical orientation." Therefore, the 35 U. S. C. § 102(b) rejection of claim 9 based upon Smith is in error, and should be reversed.

Claim 10

Claim 10 recites a device for positioning an air cap of a pneumatically aided atomizer, the air cap having air horns extending therefrom, the device providing at least one first opening adapted to receive the horns and a first level for indicating when the horns received in the at least one first opening are in a first orientation, the first level indicating when the horns received in the at least one first opening are in a horizontal orientation.

Again, any of the openings in Smith's C-clamp would receive the horns of an air cap in any number of orientations, so Smith's C-clamp is not capable of distinguishing one orientation of the horns of such an air cap from another orientation of the horns of an air cap. Since the pipe to which Smith's C-clamp is to be attached presumably has a circular cross section, the openings in Smith's C-clamp will not (and indeed are not intended to) so orient Smith's C-clamp with respect to the horns of such an air cap that Smith's level will, in the words of claim 1, "indicat[e] when the horns received in the at least one first opening are in a first orientation." As a consequence of this inability of Smith's C-clamp to orient Smith's C-clamp with respect to the horns of such an air cap, it is not possible for Smith's level to, in the words of claim 10, "indicat[e] when the horns received in the at least one first opening are in a horizontal orientation." Therefore, the 35 U. S. C. § 102(b) rejection of claim 10 based upon Smith is in error, and should be reversed.

Claim 13

Claim 13 recites positioning an air cap of a pneumatically aided atomizer, the air cap having air horns extending therefrom, the method including providing a device having

at least one first opening adapted to receive the horns and a first level for indicating when the horns received in the at least one first opening are in a first orientation.

Any of the openings in Smith's C-clamp would, of course, receive the horns of an air cap in any number of orientations, so Smith's C-clamp is not capable of distinguishing one orientation of the horns of such an air cap from another orientation of the horns of an air cap. Since the pipe to which Smith's C-clamp is to be attached presumably has a circular cross section, the openings in Smith's C-clamp will not (and indeed are not intended to) so orient Smith's C-clamp with respect to the horns of such an air cap that Smith's level will, in the words of claim 13, "indicat[e] when the horns received in the at least one first opening are in a first orientation." Therefore, the 35 U. S. C. § 102(b) rejection of claim 13 based upon Smith is in error, and should be reversed.

Claim 16

Claim 16 recites positioning an air cap of a pneumatically aided atomizer, the air cap having air horns extending therefrom, the method including providing a device having at least one first opening adapted to receive the horns and a first level for indicating when the horns received in the at least one first opening are in a first orientation, the device having a first surface extending (sic--facing) generally in a first direction when the horns are received in the at least one first opening and a second surface extending (sic--facing) generally in a second direction opposite the first direction when the horns are received in the at least one first opening.

Any of the openings in Smith's C-clamp would, of course, receive the horns of an air cap in any number of orientations, so Smith's C-clamp is not capable of distinguishing one orientation of the horns of such an air cap from another orientation of the horns of an air cap. Since the pipe to which Smith's C-clamp is to be attached presumably has a circular cross section, the openings in Smith's C-clamp will not (and indeed are not intended to) so orient Smith's C-clamp with respect to the horns of such an air cap that Smith's level will, in the words of claim 16, "indicat[e] when the horns received in the at least one first opening are in a first orientation." Therefore, the 35 U. S. C. § 102(b) rejection of claim 16 based upon Smith is in error, and should be reversed.

Claim 17

Claim 17 recites a method of positioning an air cap of a pneumatically aided atomizer, the air cap having air horns extending therefrom, the method including providing a

device having at least one first opening adapted to receive the horns, the device having a first surface extending (sic--facing) generally in a first direction when the horns are received in the at least one first opening and a second surface extending (sic--facing) generally in a second direction opposite the first direction when the horns are received in the at least one first opening, the at least one first opening extending through the device from the first surface to the second surface, and a first level for indicating when the horns received in the at least one first opening are in a first orientation.

Again, any of the openings in Smith's C-clamp would receive the horns of an air cap in any number of orientations, so Smith's C-clamp is not capable of distinguishing one orientation of the horns of such an air cap from another orientation of the horns of an air cap. Since the pipe to which Smith's C-clamp is to be attached presumably has a circular cross section, the openings in Smith's C-clamp will not (and indeed are not intended to) so orient Smith's C-clamp with respect to the horns of such an air cap that Smith's level will, in the words of claim 13, "indicat[e] when the horns received in the at least one first opening are in a first orientation." Nor does Smith's C-clamp include a first surface extending (sic--facing) generally in a first direction when the horns are received in the at least one first opening and a second surface extending (sic--facing) generally in a second direction opposite the first direction when the horns are received in the at least one first opening, the at least one first opening extending through the device from the first surface to the second surface. Therefore, the 35 U. S. C. § 102(b) rejection of claim 17 based upon Smith is in error, and should be reversed.

Claim 19

Claim 19 recites a method of positioning an air cap of a pneumatically aided atomizer, the air cap having air horns extending therefrom, the method including providing a device having at least one first opening adapted to receive the horns, a first surface extending generally in a first direction when the horns are received in the at least one first opening and a second surface extending generally in a second direction opposite the first direction when the horns are received in the at least one first opening, at least a third surface extending between the first and second surfaces, the third surface configured to facilitate manipulation of the air cap when the horns are received in the at least one first opening, and a first level for indicating when the horns received in the at least one first opening are in a first orientation.

Again, any of the openings in Smith's C-clamp would receive the horns of an air cap in any number of orientations, so Smith's C-clamp is not capable of distinguishing

one orientation of the horns of such an air cap from another orientation of the horns of an air cap. Since the pipe to which Smith's C-clamp is to be attached presumably has a circular cross section, the openings in Smith's C-clamp will not (and indeed are not intended to) so orient Smith's C-clamp with respect to the horns of such an air cap that Smith's level will, in the words of claim 13, "indicat[e] when the horns received in the at least one first opening are in a first orientation." Nor does Smith's C-clamp include a first surface extending (sic--facing) generally in a first direction when the horns are received in the at least one first opening and a second surface extending (sic--facing) generally in a second direction opposite the first direction when the horns are received in the at least one first opening, or at least a third surface extending between the first and second surfaces, the third surface configured to facilitate manipulation of the air cap when the horns are received in the at least one first opening. Therefore, the 35 U. S. C. § 102(b) rejection of claim 19 based upon Smith is in error, and should be reversed.

Summary

Claim 1 specifically recites a "level for indicating when the horns received in the at least one first opening are in a first orientation." Claim 4 specifically recites "a first surface extending (sic--facing) generally in a first direction when the horns are received in the at least one first opening and a second surface extending (sic--facing) generally in a second direction opposite the first direction when the horns are received in the at least one first opening." Claim 5 specifically recites that "the at least one first opening extend[s] through the device from the first surface to the second surface." Claim 9 specifically recites a "level for indicating when the horns received in the at least one first opening are in a vertical orientation." Claim 10 specifically recites a "level for indicating when the horns received in the at least one first opening are in a horizontal orientation." Claim 13 specifically recites, "a first level for indicating when the horns received in the at least one first opening are in a first orientation." Claim 16 specifically recites "providing a device having a first surface extending (sic--facing) generally in a first direction when the horns are received in the at least one first opening and a second surface extending (sic--facing) generally in a second direction opposite the first direction when the horns are received in the at least one first opening." Claim 17 specifically recites "providing at least one first opening which extends through the device from the first surface to the second surface." Claim 19 specifically recites "at least a third surface extending between the first and second surfaces, the third surface configured to facilitate manipulation of the air cap when the horns are received in the at least one first

opening.” None of the above-quoted structural and functional language from the rejected claims appears anywhere in Smith. Accordingly, Appellants submit that the 35 U. S. C. § 102 rejection of claims 1, 4, 5, 9, 10, 13, 16, 17 and 19 based upon Smith is erroneous, and should be reversed. Such action is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard D. Conard". The signature is fluid and cursive, with the first name "Richard" and last name "Conard" clearly distinguishable.

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Appendix--The Claims On Appeal

1. A device for positioning an air cap of a pneumatically aided atomizer, the air cap having air horns extending therefrom, the device providing at least one first opening adapted to receive the horns and a first level for indicating when the horns received in the at least one first opening are in a first orientation.

4. The device of claim 1 including a first surface extending generally in a first direction when the horns are received in the at least one first opening and a second surface extending generally in a second direction opposite the first direction when the horns are received in the at least one first opening.

5. The device of claim 4 wherein the at least one first opening extends through the device from the first surface to the second surface.

9. The device of claim 1 wherein the first level for indicating when the horns received in the at least one first opening are in the first orientation is a first level for indicating when the horns received in the at least one first opening are in a vertical orientation.

10. The device of claim 1 wherein the first level for indicating when the horns received in the at least one first opening are in the first orientation is a first level for indicating when the horns received in the at least one first opening are in a horizontal orientation.

13. A method of positioning an air cap of a pneumatically aided atomizer, the air cap having air horns extending therefrom, the method including providing a device having at least one first opening adapted to receive the horns and a first level for indicating when the horns received in the at least one first opening are in a first orientation.

16. The method of claim 13 wherein providing a device having at least one first opening adapted to receive the horns and a first level for indicating when the horns received in the at least one first opening are in a first orientation includes providing a device having a first surface extending generally in a first direction when the horns are received in

the at least one first opening and a second surface extending generally in a second direction opposite the first direction when the horns are received in the at least one first opening.

17. The method of claim 16 wherein providing a device having at least one first opening, a first surface extending generally in a first direction when the horns are received in the at least one first opening and a second surface extending generally in a second direction opposite the first direction when the horns are received in the at least one first opening together include providing at least one first opening which extends through the device from the first surface to the second surface.

19. The method of claim 16 wherein providing a device having a first surface extending generally in a first direction when the horns are received in the at least one first opening and a second surface extending generally in a second direction opposite the first direction when the horns are received in the at least one first opening include providing a device including at least a third surface extending between the first and second surfaces, the third surface configured to facilitate manipulation of the air cap when the horns are received in the at least one first opening.